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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,464	04/15/2004	Masahiro Hora	P25084	6197

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EXAMINER

HOLLIDAY, JAIME MICHELE

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/824,464	HORA ET AL.	
	Examiner	Art Unit	
	Jaime M. Holliday	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statements (IDS) submitted on July 22, 2004 and August 25, 2004 have been considered by the Examiner and made of record in the application file.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 11, 12, 15, 16, 21, 22, 25 and 26** are rejected under 35 U.S.C. 102(b) as being anticipated by over **Waesterlid (WO 01/65807 A2)**.

Consider **claim 11**, Waesterlid clearly shows and discloses a connectionless status reporting method that allows members of an affinity group to send status information to and receive status information from other members

of the affinity group, which is well-suited for mobile communication networks, wherein each member of the affinity group is provided with a communication device. Each communication device includes a memory for storing memory status information, reading on the claimed "mail exchange terminal device for exchanging mail with other mail exchange terminal devices via a communications network, comprising a member information storage that stores member information of a member, who belongs to a group for exchanging mail," (pg. 2 lines 15-29).

A first user sends a membership request message to one or more prospective members whom the first user would like to join the affinity group (pg. 12 lines 18-21). The membership request message contains data corresponding to each member of the affinity group, and when the prospective member accepts the request for membership message, the client application on the new member's communication device creates an affinity group database and stores it in memory, reading on the claimed "invitation mail receiver that receives invite mail for inviting participation in a group for exchanging mail that is already formed by a user of a specific mail exchange terminal device via said communications network," (pg. 13 lines 3-4, lines 20-22). Recipients of the membership request can reply to the invitation by sending a membership reply message either accepting or declining the invitation to join the affinity group. Those accepting the invitation are added to the group along with the group administrator, reading on the claimed "mail transmitter that transmits participation mail, including self-

member information of a newly joining member, to the specific mail exchange terminal device via said communications network at the time of joining the group in response to participation invited by the received invite mail," (pg. 11 lines 20-23). New members also receive a group update message that contains information concerning the existing members and their current status, reading on the claimed "existing member information mail receiver that receives contact mail including member information of other existing members, which is transmitted from the mail exchange terminal devices of other existing members via said communications network in response to the participation mail transmitted to said mail exchange terminal device of the specific member," (pg. 11 lines 26-28). The membership request message contains data corresponding to each member of the affinity group. When a prospective member accepts a request for membership message, the client application on the new member's communication device creates an affinity group database and stores it in memory, reading on the claimed "member information generator that generates in a member information storage a member list that stores member information of a member, who belongs to the group, based on the received invite mail and the received contact mail," (pg. 13 lines 3-4, lines 20-22).

Consider **claim 12**, Waesterlid clearly shows and discloses a connectionless status reporting method that allows members of an affinity group to send status information to and receive status information from other members of the affinity group, which is well-suited for mobile communication networks,

wherein each member of the affinity group is provided with a communication device. Each communication device includes a memory for storing memory status information, reading on the claimed "mail exchange terminal device for exchanging mail with other mail exchange terminal devices via a communications network, comprising a member information storage that stores member information of a member, who belongs to a group for exchanging mail," (pg. 2 lines 15-29). A member of the affinity group can withdraw from the group by sending a resignation message to the group administrator. Receipt of a resignation message by the group administrator spawns a Group Update message deleting the resigning member from the group, reading on the claimed "mail transmitter that transmits mail to a mail exchange terminal device of another member, who belongs to the group, via said communications network according to the member information stored in said member information storage; a withdrawal mail transmitter that transmits withdrawal mail including information of withdrawal from the group to mail exchange terminal devices of all other members listed in the stored member information via said communications network; a withdrawal mail receiver that receives withdrawal mail, including information, which indicates that another member is withdrawing from the group, from another mail exchange terminal device via said communications network; and a member information deleter that deletes member information of the other member corresponding to the mail received by said withdrawal mail receiver, from said member information storage," (pg. 12 lines 4).

Consider **claims 15, 21 and 25**, Waesterlid clearly shows and discloses a connectionless status reporting method that allows members of an affinity group to send status information to and receive status information from other members of the affinity group, which is well-suited for mobile communication networks, wherein each member of the affinity group is provided with a communication device. Each communication device includes program memory **112** and a microprocessor **110**, wherein the microprocessor controls the operation of the device according to the instructions stored in the memory, reading on the claimed "mail exchange terminal device for exchanging mail with other mail exchange terminal devices via a communications network, comprising a memory that stores a program and data, a processor that executes said program, and a communications device that communicates with other mail exchange terminal devices, wherein said program stored in memory causes said processor to execute storing member information of existing members, who belong to a group for exchanging mail, in said memory in advance; computer-readable storage medium on which a program to be executed by each mail exchange terminal is recorded; and a carrier wave having a program data signal," (fig. 2, pg. 2 lines 15-29, pg. 7 lines 17-28).

A first user sends a membership request message to one or more prospective members whom the first user would like to join the affinity group (pg. 12 lines 18-21). The membership request message contains data corresponding to each member of the affinity group, and when the prospective member accepts

the request for membership message, the client application on the new member's communication device creates an affinity group database and stores it in memory, reading on the claimed "causing the communications device to receive an invitation mail inviting participation in a group, which is already formed by users of other mail exchange terminal devices, from a mail exchange terminal device of a specific member via said communications network," (pg. 13 lines 3-4, lines 20-22).

Recipients of a membership request, sent by a first user or group administrator, can reply to the invitation by sending a membership reply message either accepting or declining the invitation to join the affinity group. Those accepting the invitation are added to the group along with the group administrator, reading on the claimed "causing the communications device to transmit participation mail, including self-member information of a newly joining member, to the mail exchange terminal device of the specific member via the communications network at the time of joining the group where participation was invited by the received invitation mail," (pg. 11 lines 20-23). New members also receive a group update message that contains information concerning the existing members and their current status, reading on the claimed "causing the communications device to receive contact mail, which is transmitted from the mail exchange terminal devices of other existing members via said communications network in response to the mail transmitted to said mail exchange terminal device of the specific member, and includes member

information of an existing member,” (pg. 11 lines 26-28). The membership request message contains data corresponding to each member of the affinity group. When a prospective member accepts a request for membership message, the client application on the new member's communication device creates an affinity group database and stores it in memory, reading on the claimed “storing member information of members, who belongs to the group, in said memory based on the received invitation mail and the received contact mail,” (pg. 13 lines 3-4, lines 20-22).

Consider **claims 16, 22 and 26**, Waesterlid clearly shows and discloses a connectionless status reporting method that allows members of an affinity group to send status information to and receive status information from other members of the affinity group, which is well-suited for mobile communication networks, wherein each member of the affinity group is provided with a communication device. Each communication device includes program memory **112** and a microprocessor **110**, wherein the microprocessor controls the operation of the device according to the instructions stored in the memory, reading on the claimed “mail exchange terminal device for exchanging mail with other mail exchange terminal devices via a communications network, comprising a memory that stores a program and data, a processor that executes said program, and a communications device that communicates with other mail exchange terminal devices, wherein said program stored in memory causes said processor to execute storing member information of existing members, who belong to a group

for exchanging mail, in said memory in advance; computer-readable storage medium on which a program to be executed by each mail exchange terminal is recorded; and a carrier wave having a program data signal," (fig. 2, pg. 2 lines 15-29, pg. 7 lines 17-28). A member of the affinity group can withdraw from the group by sending a resignation message to the group administrator. Receipt of a resignation message by the group administrator spawns a Group Update message deleting the resigning member from the group, reading on the claimed "transmitting mail to mail exchange terminal devices of other members who belong to the group, via said communications network according to the stored member information; causing said communications device to transmit a withdrawal mail including information of withdrawal from the group to the mail exchange terminal devices of all other members according to the stored member information via said communications network; causing said communications device to receive the withdrawal mail, including information, indicating that another member is withdrawing from the group, from another mail exchange terminal device via said communications network; and deleting member information of the withdrawal member from said memory," (pg. 12 lines 4).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2617

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. **Claims 1-6, 8-10, 13, 14, 17-20, 23 and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Waesterlid (WO 01/65807 A2)** in view of **Eiden et al. (Pub # U.S. 2002/0168992 A1)**.

Consider **claim 1**, Waesterlid clearly shows and discloses a connectionless status reporting method that allows members of an affinity group to send status information to and receive status information from other members

of the affinity group, which is well-suited for mobile communication networks, wherein each member of the affinity group is provided with a communication device. Each communication device includes a memory for storing memory status information, reading on the claimed "A mail exchange system comprising: a plurality of terminal devices connected to one another via a communications network, each terminal device having a member information storage that stores member information of members who belong to a group that exchanges mail via said communications network, the plurality of the terminal devices comprising a specific member terminal, an existing member terminal, and a newly joining member terminal," (pg. 2 lines 15-29).

The user creating the affinity group, reading on the claimed "specific member terminal," becomes the owner of the group and is referred to as the group administrator, who also sends a membership request message inviting one or more other users to join the affinity group. Recipients of the membership request can reply to the invitation by sending a membership reply message either accepting or declining the invitation to join the affinity group, reading on the claimed "participation mail receiver that receives a participation mail, including member information of a member who newly joins the group, from said newly joining member terminal via said communications network," (pg. 11 lines 17-22). After joining the affinity group, each existing member receives a group update message from the group administrator containing names of the other members to the affinity group, reading on the claimed "new member information mail

transmitter that transmits a new member mail, including the member information of the newly joining member, to said existing member terminal according to information stored in said member information storage via said communications network," (pg. 11 lines 23-25).

Each existing member receives a group update message that contains a list of all members of the group, including the newly added member, reading on the claimed "existing member terminal including a new member information mail receiver that receives the new member mail," (pg. 11 lines 23-25, pg. 14 lines 3-5).

Recipients of the membership request can reply to the invitation by sending a membership reply message either accepting or declining the invitation to join the affinity group. Those accepting the invitation are added to the group along with the group administrator, reading on the claimed "newly joining member terminal including a new participation mail transmitter that transmits the new member mail, including self-member information of the newly joining member, to said specific member terminal via said communications network," (pg. 11 lines 20-23). New members also receive a group update message that contains information concerning the existing members and their current status, reading on the claimed "existing member information mail receiver that receives the existing member mail," (pg. 11 lines 26-28). The membership request message contains data corresponding to each member of the affinity group. When a prospective member accepts a request for membership message, the

client application on the new member's communication device creates an affinity group database and stores it in memory, reading on the claimed "member information generator that generates a member list stored in the member information storage based on the received existing member mail," (pg. 13 lines 3-4, lines 20-22).

However, Waesterlid fails to specifically disclose that the group member and current members extract the newly joined members information.

In the same field of endeavor, Eiden et al. clearly show and disclose a method and apparatus for joining a communication group between users of wireless communication devices, comprising at least two users (302, 305) of communication devices who are members of said group and capable of communicating with each other through communication devices, and at least one communication device user (301) not belonging to said group, who is capable of communicating with at least one member (305) of the communication group through a communication device, reading on the claimed "mail exchange system comprising a plurality of terminal devices connected to one another via a communications network, the plurality of the terminal devices comprising a specific member terminal, an existing member terminal, and a newly joining member terminal," (abstract, fig. 3a). A potential new member, i.e. applicant, reading on the claimed "newly joining member," applies for membership from an existing member of said group. This can be done in such a manner, for instance, that the applicant creates by means of a communication application of his

communication device an apply message and transmits said apply message by his communication device to a member of the group, preferably to all the group members that are within the range of the communication device of the applicant. The apply message comprises a request for membership in said group. The apply message also comprises at least one of the following identifiers: an identifier associated with the applicant, an identifier associated with the applicant's communication device, or both the above-mentioned identifiers (paragraphs 22 and 23). When there is a membership request, the group member forms a decision on whether the applicant is suitable to be a member of the group on the basis of the information, and if the member considers the applicant suitable to be a member of the group, the member votes for the membership of the applicant and transmits his reply as feedback information to the applicant and stores the received information of the applicant in his communication device, for instance in a database register, such as a group information matrix, reading on the claimed "specific member terminal includes a first member information adder that extracts the member information included in the participation mail received by said participation mail receiver and stores the extracted member information in the member information storage; and said existing member terminal including a second member information adder that extracts the member information included in the received new member mail and stores the extracted member information in a member list in the member information storage," (paragraph 27). In FIG. 3c, E now knows that he is a

member of the group, he can inform the group members of his new membership and ask a member within the range of his communication device, in this case B, information on the group and the other members of the group. When Member B receives information that E has become a member and the request for information related to the group, information on E's membership is updated in B's communication device. B sends the information to E (reference 317), which information can comprise for instance a welcome note to the new member, information on internal matters of the group, members or how the group works, reading on the claimed "existing member terminal includes a self-information mail transmitter that transmits an existing member mail, including self-member information, to said newly joining member terminal via said communications network," (paragraph 35).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow wireless communication devices in the group to receive and store information on new members, and send their information in return as taught by Eiden et al., in the communication method of Waesterlid, in order to allow users to communicate in a group with other member wireless communication devices.

Consider **claim 2**, Waesterlid, as modified by Eiden et al., clearly shows and discloses the claimed invention **as applied to claim 1 above**, and in addition Waesterlid further discloses a member of the affinity group can withdraw from the group by sending a resignation message to the group administrator.

Receipt of a resignation message by the group administrator spawns a Group Update message deleting the resigning member from the group, reading on the claimed "terminal devices further comprise a withdrawal mail transmitter that transmits withdrawal mail, including information of withdrawal from the group, to said terminal devices of all members in a member list stored in said member information storage; a withdrawal mail receiver that receives the withdrawal mail, including the information of a withdrawing member, transmitted from said withdrawal mail transmitter of the terminal device of a withdrawing member; and a member information deleter that deletes the member information of the withdrawing member from the member list in the mail member information storage," (pg. 12 lines 4).

Consider **claim 3**, Waesterlid, as modified by Eiden et al., clearly shows and discloses the claimed invention **as applied to claim 1 above**, and in addition Waesterlid further discloses that a first user sends a membership request message to one or more prospective members whom the first user would like to join the affinity group, reading on the claimed "specific member terminal further includes an invitation mail transmitter that transmits invite mail, including information for inviting participation in the group and self-member information, to said newly joining member terminal via said communications network," (pg. 12 lines 18-21). The membership request message contains data corresponding to each member of the affinity group, and when the prospective member accepts the request for membership message, the client application on the new

member's communication device creates an affinity group database and stores it in memory, reading on the claimed "newly joining member terminal further includes an invitation mail receiver that receives the invite mail; and wherein said member information generator further generates the list in the member information storage based on the received invite mail," (pg. 13 lines 3-4, lines 20-22).

Consider **claim 4**, Waesterlid, as modified by Eiden et al., clearly shows and discloses the claimed invention **as applied to claim 1 above**, and in addition Eiden et al. further discloses that the applicant receives the feedback of the group member, i.e. feedback information that can for instance comprise a decision accepting or rejecting the membership. The feedback can also comprise at least one of the following identifiers: an identifier associated with the sender of the feedback, i.e. group member, an identifier associated with the communication device of the sender of the feedback, or both above-mentioned identifiers, reading on the claimed "specific member terminal further includes a second self-information mail transmitter that transmits specific member mail, including self-member information, to said newly joining member terminal in response to the participation mail received by said participation mail receiver, wherein said newly joining member terminal further includes a specific member information mail receiver that receives the specific member mail, including the self-member information of the specific member," (paragraph 24). A wireless communication device **410** comprises memory **416** for executing the functions of the

communication device, and a communication application that can further comprise one or more applications **417**, such as an application for creating an apply message and applying for membership. A database **421** comprises information, such as the group information matrix that comprises information like name, address and the like on the group members. In addition, the database comprises information on the member's properties, the member's device ID, the applicant's profile and properties, and information on transmitted and received messages. The database, which comprises a structural database and a message database, has a storage space for all structural information related to the group and for messages and user information, reading on the claimed "wherein said member information generator generates the member list stored in the member information storage based on the specific member mail received by said specific member information mail receiver," (paragraph 37 and 45).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow a wireless communication device to send their information to a newly joined member, and have their member save their information as taught by Eiden et al., in the communication method of Waesterlid, in order to allow users to communicate in a group with other member wireless communication devices.

Consider **claim 5**, Waesterlid, as modified by Eiden et al., clearly shows and discloses the claimed invention **as applied to claim 1 above**, and in addition Waesterlid further discloses that a group update message is sent to a

messaging server and then forwarded to each member of the affinity group. The group update message contains a list of all members of the group, including the newly added member. When the group update message is received by each member, the client application on the member's communication device takes appropriate action to add, delete or modify member records in the corresponding group database, reading on the claimed "group information indicating the group exchanging the mail is added to the mail to be exchanged among said terminal devices of the members who belong to the group; and wherein the member list in the member information storage stores member information of members, who belong to the group," (pg. 14 lines 2-14).

Consider **claim 6**, Waesterlid, as modified by Eiden et al., clearly shows and discloses the claimed invention **as applied to claim 5 above**, and in addition Waesterlid further discloses that the membership request message contains data corresponding to each member of the affinity group, wherein the member data may include, for example, the name, address, telephone number, and current status of each member. Only the group administrator can send a membership request message. The invitation to join an affinity group may be time limited. The time period may remain open for a predetermined time period that is set by default or for a time period that is specified by the group administrator in the membership request message, reading on the claimed "user information that uniquely specifies each user is allocated to each of said terminal devices; and wherein the group information includes user information of the

terminal device of a member who forms the group, and a time when said group is formed," (pg.12 line 28- pg. 13 line 7).

Consider **claim 8**, Waesterlid clearly shows and discloses a connectionless status reporting method that allows members of an affinity group to send status information to and receive status information from other members of the affinity group, which is well-suited for mobile communication networks, wherein each member of the affinity group is provided with a communication device. Each communication device includes a memory for storing memory status information, reading on the claimed "mail exchange terminal device for exchanging mail with other mail exchange terminal devices via a communications network, comprising a member information storage that stores member information of a member, who belongs to a group exchanging mail," (pg. 2 lines 15-29).

Each existing member receives a group update message that contains a list of all members of the group, including the newly added member, reading on the claimed "mail receiver that receives new member mail, including member information of a member who newly joins the group, from another mail exchange terminal device via said communications network," (pg. 11 lines 23-25, pg. 14 lines 3-5).

However, Waesterlid fails to specifically disclose that the current members extract the newly joined members information.

In the same field of endeavor, Eiden et al. clearly show and disclose a method and apparatus for joining a communication group between users of wireless communication devices, comprising at least two users (302, 305) of communication devices who are members of said group and capable of communicating with each other through communication devices, and at least one communication device user (301) not belonging to said group, who is capable of communicating with at least one member (305) of the communication group through a communication device, reading on the claimed "mail exchange terminal device for exchanging mail with other mail exchange terminal devices via a communications network," (abstract, fig. 3a). A potential new member, i.e. applicant, reading on the claimed "newly joining member," applies for membership from an existing member of said group by transmitting an apply message to a member of the group. The apply message comprises a request for membership in said group. The apply message also comprises at least one of the following identifiers: an identifier associated with the applicant, an identifier associated with the applicant's communication device, or both the above-mentioned identifiers (paragraphs 22 and 23). When there is a membership request, the group member forms a decision on whether the applicant is suitable to be a member of the group on the basis of the information, and if the member considers the applicant suitable to be a member of the group, the member votes for the membership of the applicant and transmits his reply as feedback information to the applicant and stores the received information of the applicant

in his communication device, for instance in a database register, such as a group information matrix, reading on the claimed "member information adder that extracts the member information included in the received new member mail and stores the extracted member information in a member list stored in the member information storage," (paragraph 27). In FIG. 3c, E now knows that he is a member of the group, he can inform the group members of his new membership and ask a member within the range of his communication device, in this case B, information on the group and the other members of the group. When Member B receives information that E has become a member and the request for information related to the group, information on E's membership is updated in B's communication device. B sends the information to E (reference 317), which information can comprise for instance a welcome note to the new member, information on internal matters of the group, members or how the group works, reading on the claimed "mail transmitter that transmits contact mail, including self-member information to said mail exchange terminal device of the newly joining member via said communications network," (paragraph 35).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow wireless communication devices in the group to receive and store information on new members, and send their information in return as taught by Eiden et al., in the communication method of Waesterlid, in order to allow users to communicate in a group with other member wireless communication devices.

Consider **claim 9**, Waesterlid, as modified by Eiden et al., clearly shows and discloses the claimed invention **as applied to claim 8 above**, and in addition Waesterlid further discloses that the user creating the affinity group, reading on the claimed “specific member terminal,” becomes the owner of the group and is referred to as the group administrator, who also sends a membership request message inviting one or more other users to join the affinity group. After joining the affinity group, each existing member receives a group update message from the group administrator containing names of the other members to the affinity group, reading on the claimed “the received new member mail is transmitted from said mail exchange terminal device of a specific member, who already belongs to the group, to terminals of other members according to the list stored in the member information storage,” (pg. 11 lines 23-25).

Consider **claim 10**, Waesterlid clearly shows and discloses a connectionless status reporting method that allows members of an affinity group to send status information to and receive status information from other members of the affinity group, which is well-suited for mobile communication networks, wherein each member of the affinity group is provided with a communication device. Each communication device includes a memory for storing memory status information, reading on the claimed “mail exchange terminal device for exchanging mail with other mail exchange terminal devices via a communications network, comprising a member information storage that stores member

information of a member, who belongs to a group for exchanging mail," (pg. 2 lines 15-29).

The user creating the affinity group, reading on the claimed "specific member terminal," becomes the owner of the group and is referred to as the group administrator, who also sends a membership request message inviting one or more other users to join the affinity group. Recipients of the membership request can reply to the invitation by sending a membership reply message either accepting or declining the invitation to join the affinity group, reading on the claimed "mail receiver that receives participation mail, including member information of a member, who newly joins in the group, from a mail exchange terminal device of the newly joining member via said communications network," (pg. 11 lines 17-22). After joining the affinity group, each existing member receives a group update message from the group administrator containing names of the other members to the affinity group, reading on the claimed "mail transmitter that transmits new member mail including the member information of the newly joining member to terminal devices of other existing members according to the list stored in the member information storage via said communications network," (pg. 11 lines 23-25).

However, Waesterlid fails to specifically disclose that the group member extract the newly joined members information.

In the same field of endeavor, Eiden et al. clearly show and disclose a method and apparatus for joining a communication group between users of

wireless communication devices, comprising at least two users (302, 305) of communication devices who are members of said group and capable of communicating with each other through communication devices, and at least one communication device user (301) not belonging to said group, who is capable of communicating with at least one member (305) of the communication group through a communication device, reading on the claimed "mail exchange terminal device for exchanging mail with other mail exchange terminal devices via a communications network," (abstract, fig. 3a). A potential new member, i.e. applicant, reading on the claimed "newly joining member," applies for membership from an existing member of said group. This can be done in such a manner, for instance, that the applicant creates by means of a communication application of his communication device an apply message and transmits said apply message by his communication device to a member of the group, preferably to all the group members that are within the range of the communication device of the applicant. The apply message comprises a request for membership in said group. The apply message also comprises at least one of the following identifiers: an identifier associated with the applicant, an identifier associated with the applicant's communication device, or both the above-mentioned identifiers (paragraphs 22 and 23). When there is a membership request, the group member forms a decision on whether the applicant is suitable to be a member of the group on the basis of the information, and if the member considers the applicant suitable to be a member of the group, the member votes

for the membership of the applicant and transmits his reply as feedback information to the applicant and stores the received information of the applicant in his communication device, for instance in a database register, such as a group information matrix, reading on the claimed "member information adder that extracts the member information included in the received mail and stores the extracted member information in a member list stored in the member information storage," (paragraph 27).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow wireless communication devices in the group to receive and store information on new members, and send their information in return as taught by Eiden et al., in the communication method of Waesterlid, in order to allow users to communicate in a group with other member wireless communication devices.

Consider **claims 13, 19 and 23**, Waesterlid clearly shows and discloses a connectionless status reporting method that allows members of an affinity group to send status information to and receive status information from other members of the affinity group, which is well-suited for mobile communication networks, wherein each member of the affinity group is provided with a communication device. Each communication device includes program memory **112** and a microprocessor **110**, wherein the microprocessor controls the operation of the device according to the instructions stored in the memory, reading on the claimed "mail exchange terminal device for exchanging mail with other mail exchange

terminal devices via a communications network, comprising a memory that stores a program and data, a processor that executes said program, and a communications device that communicates with other mail exchange terminal devices, wherein said program stored in memory causes said processor to execute storing member information of existing members, who belong to a group for exchanging mail, in said memory in advance; computer-readable storage medium on which a program to be executed by each mail exchange terminal is recorded; and a carrier wave having a program data signal," (fig. 2, pg. 2 lines 15-29, pg. 7 lines 17-28).

Each existing member receives a group update message that contains a list of all members of the group, including the newly added member, reading on the claimed "causing said communications device to receive a contact mail including member information of a member, who newly joins the group, from another mail exchange terminal device via the communications network," (pg. 11 lines 23-25, pg. 14 lines 3-5).

A first user sends a membership request message to one or more prospective members whom the first user would like to join the affinity group, reading on the claimed "causing said communications device to transmit invite mail including self-member information to said mail exchange terminal device of the newly joining member via said communications network," (pg. 12 lines 18-21).

However, Waesterlid fails to specifically disclose that the group member and current members extract the newly joined members information.

In the same field of endeavor, Eiden et al. clearly show and disclose a method and apparatus for joining a communication group between users of wireless communication devices, comprising at least two users (302, 305) of communication devices who are members of said group and capable of communicating with each other through communication devices, and at least one communication device user (301) not belonging to said group, who is capable of communicating with at least one member (305) of the communication group through a communication device, reading on the claimed "mail exchange terminal device for exchanging terminal devices via a communications network," (abstract, fig. 3a). A potential new member, i.e. applicant, reading on the claimed "newly joining member," applies for membership from an existing member of said group by transmitting said apply message by his communication device to a member of the group, preferably to all the group members that are within the range of the communication device of the applicant. The apply message comprises a request for membership in said group. The apply message also comprises at least one of the following identifiers: an identifier associated with the applicant, an identifier associated with the applicant's communication device, or both the above-mentioned identifiers (paragraphs 22 and 23). When there is a membership request, the group member forms a decision on whether the applicant is suitable to be a member of the group on the basis of the information, and if the member

considers the applicant suitable to be a member of the group, the member votes for the membership of the applicant and transmits his reply as feedback information to the applicant and stores the received information of the applicant in his communication device, for instance in a database register, such as a group information matrix, reading on the claimed "extracting the member information included in the received contact mail and storing the extracted member information to said memory," (paragraph 27).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow wireless communication devices in the group to receive and store information on new members, and send their information in return as taught by Eiden et al., in the communication method of Waesterlid, in order to allow users to communicate in a group with other member wireless communication devices.

Consider **claims 14, 20 and 24**, Waesterlid clearly shows and discloses a connectionless status reporting method that allows members of an affinity group to send status information to and receive status information from other members of the affinity group, which is well-suited for mobile communication networks, wherein each member of the affinity group is provided with a communication device. Each communication device includes program memory **112** and a microprocessor **110**, wherein the microprocessor controls the operation of the device according to the instructions stored in the memory, reading on the claimed "mail exchange terminal device for exchanging mail with other mail exchange

terminal devices via a communications network, comprising a memory that stores a program and data, a processor that executes said program, and a communications device that communicates with other mail exchange terminal devices, wherein said program stored in memory causes said processor to execute storing member information of existing members, who belong to a group for exchanging mail, in said memory in advance; computer-readable storage medium on which a program to be executed by each mail exchange terminal is recorded; and a carrier wave having a program data signal," (fig. 2, pg. 2 lines 15-29, pg. 7 lines 17-28).

Each existing member receives a group update message that contains a list of all members of the group, including the newly added member, reading on the claimed "causing said communications device to receive a contact mail including member information of a member, who newly joins the group, from another mail exchange terminal device via the communications network," (pg. 11 lines 23-25, pg. 14 lines 3-5). The user creating the affinity group becomes the owner of the group and is referred to as the group administrator, who also sends a membership request message inviting one or more other users to join the affinity group. After joining the affinity group, each existing member receives a group update message from the group administrator containing names of the other members to the affinity group, reading on the claimed "causing said communications device to transmit new member mail, including the member

information of the newly joining member, to said mail exchange terminal device of the existing member via said communications network,” (pg. 11 lines 17-25).

However, Waesterlid fails to specifically disclose that the group member and current members extract the newly joined members information.

In the same field of endeavor, Eiden et al. clearly show and disclose a method and apparatus for joining a communication group between users of wireless communication devices, comprising at least two users (**302, 305**) of communication devices who are members of said group and capable of communicating with each other through communication devices, and at least one communication device user (**301**) not belonging to said group, who is capable of communicating with at least one member (**305**) of the communication group through a communication device, reading on the claimed “mail exchange terminal device for exchanging terminal devices via a communications network,” (abstract, fig. 3a). A potential new member, i.e. applicant, reading on the claimed “newly joining member,” applies for membership from an existing member of said group by transmitting said apply message by his communication device to a member of the group, preferably to all the group members that are within the range of the communication device of the applicant. The apply message comprises a request for membership in said group. The apply message also comprises at least one of the following identifiers: an identifier associated with the applicant, an identifier associated with the applicant's communication device, or both the above-mentioned identifiers (paragraphs 22 and 23). When there is a membership

request, the group member forms a decision on whether the applicant is suitable to be a member of the group on the basis of the information, and if the member considers the applicant suitable to be a member of the group, the member votes for the membership of the applicant and transmits his reply as feedback information to the applicant and stores the received information of the applicant in his communication device, for instance in a database register, such as a group information matrix, reading on the claimed "extracting the member information included in the received contact mail and storing the extracted member information to said memory," (paragraph 27).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow wireless communication devices in the group to receive and store information on new members, and send their information in return as taught by Eiden et al., in the communication method of Waesterlid, in order to allow users to communicate in a group with other member wireless communication devices.

Consider **claim 17**, Waesterlid clearly shows and discloses a connectionless status reporting method that allows members of an affinity group to send status information to and receive status information from other members of the affinity group, which is well-suited for mobile communication networks, wherein each member of the affinity group is provided with a communication device. Each communication device includes a memory for storing memory status information, reading on the claimed "method for exchanging mail among

terminal devices connected to one another via a communications network, each terminal device having a member information storage that stores member information of members who belong to a group for exchanging mail," (pg. 2 lines 15-29), comprising:

recipients of the membership request replying to the invitation by sending a membership reply message either accepting or declining the invitation to join the affinity group. Those accepting the invitation are added to the group along with the group administrator, reading on the claimed "transmitting participation mail, including member information of a member who newly joins the group, to a terminal device of a specific member from said terminal device of the newly joining member via said communications network," (pg. 11 lines 20-23);

the user creating the affinity group, reading on the claimed "specific member terminal," becomes the owner of the group and is referred to as the group administrator, who also sends a membership request message inviting one or more other users to join the affinity group. Recipients of the membership request can reply to the invitation by sending a membership reply message either accepting or declining the invitation to join the affinity group, reading on the claimed "receiving the participation mail at the terminal device of the specific member," (pg. 11 lines 17-22);

after joining the affinity group, each existing member receives a group update message from the group administrator containing names of the other members to the affinity group, reading on the claimed "transmitting new member

mail, including the member information of the newly joining member, to terminal devices of other existing members from said terminal device of the specific member via said communications network according to the member information stored in said memory of said terminal device of the specific member,” (pg. 11 lines 23-25);

each existing member receives a group update message that contains a list of all members of the group, including the newly added member, reading on the claimed “receiving the new member mail at said terminal devices of the other existing members,” (pg. 11 lines 23-25, pg. 14 lines 3-5);

new members also receive a group update message that contains information concerning the existing members and their current status, reading on the claimed “receiving the contact mail at said terminal device of the new member,” (pg. 11 lines 26-28);

the membership request message contains data corresponding to each member of the affinity group. When a prospective member accepts a request for membership message, the client application on the new member’s communication device creates an affinity group database and stores it in memory, reading on the claimed “extracting the member information of the existing members from the received contact mail at said terminal device of the new member and storing the extracted member information in said memory,” (pg. 13 lines 3-4, lines 20-22).

However, Waesterlid fails to specifically disclose that the group member and current members extract the newly joined members information.

In the same field of endeavor, Eiden et al. clearly show and disclose a method and apparatus for joining a communication group between users of wireless communication devices, comprising at least two users (302, 305) of communication devices who are members of said group and capable of communicating with each other through communication devices, and at least one communication device user (301) not belonging to said group, who is capable of communicating with at least one member (305) of the communication group through a communication device, reading on the claimed "method for exchanging mail among terminal devices connected to one another via a communications network, each terminal device having a member information storage that stores member information of members who belong to a group for exchanging mail," (abstract, fig. 3a). A potential new member, i.e. applicant, reading on the claimed "newly joining member," applies for membership from an existing member of said group. This can be done in such a manner, for instance, that the applicant creates by means of a communication application of his communication device an apply message and transmits said apply message by his communication device to a member of the group, preferably to all the group members that are within the range of the communication device of the applicant. The apply message comprises a request for membership in said group. The apply message also comprises at least one of the following identifiers: an identifier associated

with the applicant, an identifier associated with the applicant's communication device, or both the above-mentioned identifiers (paragraphs 22 and 23). When there is a membership request, the group member forms a decision on whether the applicant is suitable to be a member of the group on the basis of the information, and if the member considers the applicant suitable to be a member of the group, the member votes for the membership of the applicant and transmits his reply as feedback information to the applicant and stores the received information of the applicant in his communication device, for instance in a database register, such as a group information matrix, reading on the claimed "extracting the member information of the newly joining member from the received participation mail at said terminal device of the specific member and storing the extracted member information to said memory; and extracting the member information of the newly joining member from the new member mail received from said terminal devices of the specific member at said terminal device of the other existing members and storing the extracted member information in said memory," (paragraph 27). In FIG. 3c, E now knows that he is a member of the group, he can inform the group members of his new membership and ask a member within the range of his communication device, in this case B, information on the group and the other members of the group. When Member B receives information that E has become a member and the request for information related to the group, information on E's membership is updated in B's communication device. B sends the information to E (reference 317), which

information can comprise for instance a welcome note to the new member, information on internal matters of the group, members or how the group works, reading on the claimed "transmitting contact mail including the members information of the existing member to said terminal devices of the new members from said terminal device of the existing member via said communications network," (paragraph 35).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow wireless communication devices in the group to receive and store information on new members, and send their information in return as taught by Eiden et al., in the communication method of Waesterlid, in order to allow users to communicate in a group with other member wireless communication devices.

Consider **claim 18**, Waesterlid, as modified by Eiden et al., clearly shows and discloses the claimed invention **as applied to claim 17 above**, and in addition Waesterlid further discloses a member of the affinity group can withdraw from the group by sending a resignation message to the group administrator. Receipt of a resignation message by the group administrator spawns a Group Update message deleting the resigning member from the group, reading on the claimed "transmitting withdrawal mail including information, indicating that a member corresponding to a terminal device is withdrawing from the group, to all other terminal devices from the withdrawing terminal device according to the stored member information; wherein the withdrawal mail is received at each of

the other terminal devices; and wherein the member information corresponding to the received withdrawal mail is deleted from said member information storage at each of the other terminal devices,” (pg. 12 lines 4).

9. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Waesterlid (WO 01/65807 A2)** in view of **Eiden et al. (Pub # U.S. 2002/0168992 A1)**, and in further view of **Yeager et al. (Pub # U.S. 2003/0070070 A1)**.

Consider **claim 7**, and **as applied to claim 1 above**, Waesterlid, as modified by Eiden et al., clearly shows and discloses the claimed invention except that the communication devices are explicitly cellular phones.

In the same field of endeavor, Yeager et al. clearly show and disclose a decentralized, distributed trust mechanism that may be used in various networking platforms, including, but not limited to, peer-to-peer and other decentralized networking platforms. The peer-to-peer platform may include a peer membership protocol that may allow a peer to join or leave peer groups, and to manage membership configurations, rights and responsibilities. This protocol may allow a peer to obtain group membership requirements (such as an understanding of the necessary credential for a successful application to join the group), to apply for membership and receive a membership credential along with a full group advertisement, to update an existing membership or application credential, and to cancel a membership or an application credential. A peer may be defined as any entity that runs some or all of one or more protocols provided

by the peer-to-peer platform core layer. As such, a peer may manifest in the form of a processor, a process or a device. A peer may be anything with a digital heartbeat that supports the peer-to-peer platform core, including sensors, servers, PCs, computers up to and including supercomputers, PDAs, manufacturing and medical equipment, phones and cellular phones, reading on the claimed "each of the terminal devices includes a cellular phone," (paragraphs 14, 201, 334).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow a peer or communication device to be a cellular phone as taught by Yeager et al., in the communication method of Waesterlid, as modified by Eiden et al. in order to allow users to communicate in a group with their peer or wireless communication devices.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaime M. Holliday whose telephone number is (571) 272-8618. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

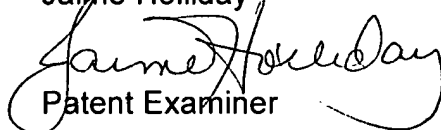
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CHARLES APPIAH
PRIMARY EXAMINER

Jaime Holliday



Patent Examiner